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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,559	03/23/2001	Tao Chen	000436	7119
23696	7590	08/01/2006	EXAMINER	
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			LE, DANH C	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/816,559	Applicant(s) CHEN ET AL.	
	Examiner DANH C. LE	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 103-123 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 103-108, 110-114, 121-123 is/are allowed.
- 6) ☒ Claim(s) 116-120 is/are rejected.
- 7) ☒ Claim(s) 109 and 115 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 103-108, 110-115, 121-123 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molnar in view of Yanagisawa (US 5,130,715).**

As to claim 103, Molnar teaches a method of communication (figure 7 and its description), comprising:

forming a multiple beam pattern comprising one or more beams and one or more search beams; and

maintaining a communication channel between a first station and a second station using the one or more beams including receiving a first signal from the second station (780) while searching for one or more additional signal using the one or more search beam (col.11, line 40-col.12, line 11, searching beam S scan). Molnar fails to teach the tracking beam. Yanagisawa teaches the tracking beam. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to provide the teaching of Yanagisawa into the system of Molnar in order to avoid interference in a radio communication system.

As to claim 104, the combination of Molnar and Yanagisawa teaches the method of claim 1 wherein searching for one or more additional signals comprises searching for multi-path components of the first signal (Molnar col.7, lines 52-60).

As to claim 105, the combination of Molnar and Yanagisawa teaches the method of claim 1 wherein searching for one or more additional signals comprises searching for multi-path components of the first signal.

As to claim 106, the combination of Molnar and Yanagisawa teaches the method of claim 1 wherein searching for one or more additional signals comprises sweeping the one or more search beams across a region to search for the one or more additional signals (figure 7).

As to claim 107, the combination of Molnar and Yanagisawa teaches the method of claim 1 wherein forming multiple beam patterns comprises forming omni-directional tracking beams (col.2, lines 28-49).

As to claim 108, the combination of Molnar and Yanagisawa teaches the method of claim 1 wherein at least one search beam becomes the tracking beam after receiving the first signal from the second station (Yanagisawa, figure 8

As to claim 110, the claim is an apparatus claim of claim 103; therefore, the claim is interpreted and rejected as set forth as claim 103.

As to claim 111, the claim is an apparatus claim of claim 104; therefore, the claim is interpreted and rejected as set forth as claim 104.

As to claim 112, the combination of Yanagisawa and Yanagisawa teaches an apparatus of claim 8 wherein the antenna is further configured to search for a second signal from a third station.

As to claim 113, the claim is an apparatus claim of claim 106; therefore, the claim is interpreted and rejected as set forth as claim 106.

As to claim 114, the claim is an apparatus claim of claim 107; therefore, the claim is interpreted and rejected as set forth as claim 107.

As to claim 121, the claim is a remote station claim of claim 103; therefore, the claim is interpreted and rejected as set forth as claim 103..

As to claim 122, the claim is computer claim of claim 103; therefore, the claim is interpreted and rejected as set forth as claim 103..

As to claim 123, the claim is computer reception claim of claim 103; therefore, the claim is interpreted and rejected as set forth as claim 103.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Claims 116-120 are allowed in the previous Office Action.

Claims 109, 115 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 109, 115, the teaching of above prior arts either alone or in combination fails to teach the formation of the tracking beams comprises receiving

energy through a plurality of spatially separated elements, applying a weight to the received energy from each of the elements, and combining the weighted energy.

Response to Arguments

Applicant's arguments with respect to claims 103-123 on **January 23, 2006** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

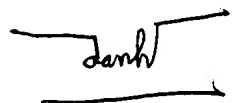
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JUL 28, 2006 LE
PRIMARY EXAMINER